1568/2142.(1-3.) (1.)

A

LETTER,

ADDRESSED TO THE

PEOPLE OF IRELAND.

YOU have been active in the ſervice of your country, you have been liberal in rewarding individuals, you have ſet an example of public virtue in your own conduct, and have encouraged it in others by the warmeſt panegyric.

You have done this, in a country where patriotiſm had been timid, infrequent and treacherous; and in an age when the principle was ſuppoſed to have periſhed. When the hearty intercourſe of private life reconciled to ſtate offenders, and clumſy good-

humour compromiſed every public indignity. A great change in a ſhort time has been wrought in the public mind; an alteration has followed in the national condition. I remember the ſtate of this country before you formed your aſſociations; I ſee the change, and rejoice at it.—It was not your fault that we have not more reaſon to rejoice, and that trade and conſtitution, ſo near a happy ſettlement, ſhould be thrown back into a ſtate of ſuſpenſe, and the nation ſtung when ſhe began to repoſe.

The people of Ireland are not ungrateful, nor inſatiable, nor ſeditious; but no people will be ſatisfied who conceive themſelves cheated of a free grant of trade, and ſee a conſtitution reſcued out of the hands of one parliament to be mangled by another. —You perceive I allude to the Sugar and Mutiny Bills.—I mean to make the latter the ſubject of this letter.—I am not afraid of the people of Ireland.

I don't agree in the vulgar and courtly notion that political diſcuſſion idles a nation;

tion; with the examples before me of Great Britain, and the north of Ireland, I ſay the ſpirit of liberty brings on the ſpirit of trade, and that our immediate intereſt is our proper ſtudy; arms and liberty, the great ſecurities of acquiſition, cannot be inconſiſtent with the habits of acquiring. The manufacturer does not become weak by diſcipline, nor is the elector disfranchiſed by being armed. In every free ſtate, politics ſhould be the ſtudy of all; a myſtery to the people, they become the trade of the great; the political monopoliſt is a hardened jobber. That ſtate is indeed proſperous which can produce an armed, diſciplined, induſtrious, vigilant and conſtitutional people.

But of all nations, Ireland ſhould apply herſelf to the ſtudy of her own rights becauſe her conſtitution is now forming: whatever hurt it now receives, we muſt carry that caſt of infirmity from the cradle to the grave. Our liberty as yet has received no acknowledgments from the miniſters of juſtice, but depends upon the ſteady ſenſe

which the people entertain of their own laws. We obtained trade and liberty in the character of an armed, active community; in that character will we preſerve them. Nor have we only a right to diſcuſs political queſtions, but debate and condemn ſuch as have received the approbation of parliament; otherwiſe corruption prevailing in the ſenate would ſilence the nation, and render it criminal to condemn, and therefore impoſſible to repeal a diſgraceful law. Upon theſe principles, I ſubmit to you ſome obſervations upon the Mutiny Bill.

I conceive that ſtanding armies in peace are againſt the principles of the conſtitution, and the ſafety of public liberty; they have ſubverted the freedom of all nations, except in thoſe inſtances where their numbers were ſmall, or the power of the Sovereign over ſuch an inſtrument, limited in quality or duration; for it is in vain to ſet bounds to the authority of the chief magiſtrate in other matters by the general tendency of law, if a ſpecific ſtatute or ordi-

nance

nance ſhall give him a perpetual and irreſiſtible force. In ſuch a caſe, the law would inveſt the king with a power too ſtrong for herſelf, and would make proviſion for her own violation; and as the army itſelf is dangerous, ſo alſo is that code of law by which ſuch an eſtabliſhment is regulated and accommodated.—The Mutiny Bill or martial law methodized, is not only different from, but directly oppoſite to the common law of the land; it ſets aſide her trial by jury, departs from her principles of evidence, declines her ordinary tribunals of juſtice, and in their place eſtabliſhes a ſummary proceeding, arbitrary crimes, arbitrary puniſhments, a ſecret ſentence, and a ſudden execution. —It inveſts his Majeſty with a power to ordain what new offences, and eſtabliſh what new puniſhments he ſhall in his diſcretion think fit, provided the puniſhment don't extend to life or limb. "A vaſt and im-" portant truſt," ſays the author of the Commentaries ſpeaking of an annual, not a perpetual Mutiny Bill, " an unlimited

" power

" power to create crimes, and annex to
" them any puniſhment not extending to
" life or limb. Theſe are forbidden to be
" inflicted, except for crimes declared to be
" puniſhable by this act; among which we
" may obſerve that any diſobedience to
" lawful commands, is one."

The object of this code is to bring thoſe who are reached by it to a ſtate of implicit ſubordination, and to create in their Sovevereign an abſolute authority.—It furniſhes a perfect image of arbitrary power. Accordingly the people of England, whoſe maxims we ſhould admire and emulate, jealous on all ſubjects which relate to liberty, have exceeded, on the ſubject of the army, their uſual caution; they have, in the preamble of their annual Mutiny Bill, claimed their birthright; they recite that part of the declaration of right, " that ſtanding armies and martial law in peace without the conſent of parliament, are illegal:" and having ſtated the ſimplicity and purity of their antient conſtitution, and ſet forth a great principle

of

of Magna Charta, they admit a partial and temporary repeal of it; they admit an army and a law for its regulation, but they limit the number of the former, and the duration of both; confining all, the troops themſelves, the law that regulates, and the power that commands them, to *one year*. Thus is the army of England rendered a parliamentary army, the conſtitutional aſcendency of the ſubject over the ſoldier, preſerved; the military rendered effectually ſubordinate to the civil magiſtrate becauſe dependent on parliament, the government of the ſword controlled in its exerciſe becauſe limited in its duration and the King entruſted with the command of the army during good behaviour only. And yet, that wiſe people have hitherto conſidered the army thus limited, thus dependent, thus qualified, and ſheathed, as a neceſſary evil; and will not even admit of barracks leſt the ſoldier ſhould be ſtill more alienated from the ſtate of a ſubject, and thus alienated and armed have a poſt

of

of ſtrength, and the dangerous nature of his condition, be aggravated by ſituation.

When the Parliament of Ireland proceeded to regulate the army, I conceive it ſhould have adopted the maxims of the Britiſh conſtitution as much as the rules of Britiſh diſcipline. I conceive that it ought to be the policy of this country to go, ſtep by ſtep, with the Britiſh nation in all her wiſe regulations; and not only adopt her conſtitution, but purſue the wiſe and aged maxims which ſhe has formed for its preſervation; that mutual liberty may be common ſtrength; that England may not be our tyrant nor we her enſlaver; that Ireland may not be a prerogative country with a conſtitution inverted, a bad leſſon to Kings, poiſoning their minds with falſe notions of government, and arming their hands with unconſtitutional powers. We have, however, departed from the example and maxims of England; we have done ſo in the moſt important concern, the government of the ſword; and in three moſt material

terial inſtances: in our Mutiny Bill, we have omitted the preamble which declares the great charter of liberty, we have left the number of forces in the breaſt of his Majeſty, and under theſe circumſtances we have made the bill perpetual.

This is to depart from the prudence of England, and in the very caſe where we ſhould have ſurpaſſed her in caution, becauſe we have all her reaſons to dread a ſtanding army, and many of our own likewiſe: we have no foreign dominions to preſerve and we have a conſtitution to loſe by the violence of an army, by the encroachments of the Prince and by the uſurped authority of the Britiſh parliament. The liberty of this country has indeed been aſſerted by the inhabitants, but has received no adequate acknowledgment on the part of his Majeſty; on the contrary, his Excellency's confidential ſecretary did on the part of the government officially from a written paper declare that he oppoſed the introduction of the Iriſh Mutiny

Bill, upon the principle, "that he con-
"ceived it unneceſſary,—that the Engliſh
"Act extended to Ireland;" alſo his Ma-
jeſty's Attorney-General did aſſert that the Britiſh parliament could bind Ireland. Likewiſe his Excellency juſt before the arrival of the Iriſh bill, ordered the troops to change quarters, guarding by a cotemporary comment againſt whatever the Bill might import in favour of our liberty. Alſo the Poſt-office is kept up in this country without ſeeking an Iriſh act, contrary to an expreſs engagement, and though I know very well that it has no legal exiſtence, yet it affects to ſtand upon Britiſh ſtatute.

After ſuch declarations and ſuch acts of government, (the name of Ireland exhibited in the Britiſh Mutiny Act,) during the ſubſiſtence of the conteſt, with the example of America before us, to arm the chief magiſtrate or rather indeed to arm the claims of the Britiſh parliament with a perpetual law for the regulation and accommodation

of

of any indefinite number of troops his Majeſty is pleaſed to keep up in Ireland, appears to me a meaſure of an unwarrantable and unſeaſonable, corrupt and a crazy confidence.

I muſt obſerve that the army thus rendered by your law unconfined in its numbers and by the ſame law made independent of parliament for its regulation, however brave and reſpectable, is not a native army, but of that very country which claims to make law for Ireland; alſo I muſt obſerve that the miniſter who in fact governs that army, is the Britiſh miniſter, not reſponſible to your parliament, nor reſident in your country: ſo that now by this pernicious bill, this miniſter, a foreign and contemptuous character, in a ſafe and diſtant capacity, free from the controul of an expirable authority, may ſend into this country any number of troops which the return of his pride may require, the collected ſtrength of the empire at the cloſe of the war ſhall be able to furniſh; and he may billet them upon

upon you in execution of any project of power or avarice or revenge, to collect a Britiſh tax or diſperſe an Iriſh aſſociation, or trample on an Iriſh ſpirit; and the people of this country have the mortification to think that they may by their own law, a law grafted on their beſt exertions, be obliged to billet and accommodate troops quartered upon them for their deſtruction: or though his Majeſty's miniſters may not chooſe to come to extremity, yet may they gradually and at their leiſure, armed with our law and encouraged by our humiliation, raiſe new regiments, a meaſure both of corruption and force; or throw into this kingdom ſuch a body of troops as may break her ſpirit, watch her motions, controul her free action, and finally make thoſe who before thought it inexpedient to deny, ſoon think it inexpedient to reſiſt, the uſurped authority of the Britiſh parliament.—I ſay, the miniſter may do this at his leiſure, and build by degrees a ſyſtem of tyranny on the foundation of our own law.—Princes could not deſtroy liberty by force if they had not

not obtained that force by law; nor was any nation ever enſlaved, who might not have found in herſelf the efficient cauſes of her own ſervitude: her laws become a ſuggeſtion to the tyrant. The principle of political death is laid by the falſe guardians of public liberty; indeed from the critical ſituation of this kingdom, ſo ſtriking is the danger, that a Mutiny Bill for eighteen months was an act of confidence juſtified by neceſſity only, that the miniſter would not have abuſed that confidence is more than probable. Limitation of period changes the nature and ſoftens the exerciſe of power: before an attempt could be brought to bear, before a ſufficient number of forces could be conveniently collected, or before they could be ready for action, the act which kept them together might expire, and the crown in the attempt loſe its revival: deſpotiſm would have wanted a root; the law in this caſe (and the wiſdom of a free people can do no more than take the beſt chance for their liberty, and multiply difficulties on thoſe who ſhould invade it, inſtead

ſtead of making the paſſage eaſy and natural) the law I ſay in this caſe would ſtand in the way of the early encroachment; the apprehenſion of this would deter the attempt; the army is prevented from flying off for ever from the law, by periodically touching the ſphere of the conſtitution. England has found a limited Mutiny Bill innoxious but would not liſten to a perpetual one. In fact, Mutiny Bills are limited on the ſame principle as Money-Bills; both are certain to be renewed; but on the return to the people of the powers which both include, the purſe and the ſword, depends whatever of limitation is annexed to prerogative or of privilege is annexed to parliament.

I have ſtill hopes if his Majeſty's miniſters ſhould make an unconſtitutional uſe of this perpetual Mutiny Bill our parliament would ſtruggle for freedom, would refuſe its aſſent to the additional ſupply and the military eſtabliſhment, expecting that his Majeſty's forces would want proviſion under

under the firſt meaſure and diſperſe under the authority of the laſt. I think they ought, but believe they would not: in ſtrict conſtitution I do think the ſpecific conſent of parliament is ſtill neceſſary for the continuation of the army. I think farther that the preſent Mutiny Bill expires with the parliament that made it; but theſe are points which an army will not comprehend, no, it will make good its quarters by the ſword. Our beſt ſecurity therefore for the privileges which we have left does not conſiſt in the powers which our parliament has reſerved, but in other reſources: the ſpirit of the nation is high, her miniſters diſtracted, her liberty in force, her volunteers numerous, and the miſchief of a military government ſuſpended by an armed people.

I muſt further obſerve to you, that the Mutiny Bill is not only dangerous from the above conſiderations but others which I will ſtate to you.—The revenue of this country is not granted in a manner favourable

able to public liberty.—The hereditary revenue is above 600,000*l. per annum*; the encreaſe of that revenue, aſſiſted by trade, and eaſed of additional duties, would be conſiderable. Hitherto his Majeſty's miniſters in Ireland have laviſhed the public money for the purpoſe of encreaſing the undue influence of the crown, but if what is now employed to render parliament ſubſervient, ſhould be applied to maintain an army independent of parliament; if power in this country ſhould take the ſhape of œconomy, if his Majeſty's miniſters, encouraged by this law, ſhould try new councils and old reſources; I do not ſay they would ſucceed, God forbid! But I do ſay, it was worthy of parliament to have removed the danger by a limited Mutiny Bill, inſtead of prompting the experiment by a perpetual law. I muſt add, that as an ample revenue is perpetual, ſo is the power of collecting it perpetual, provided his Majeſty don't call a parliament; for the Revenue Bill is by an expreſs clauſe to continue until the end of the then next ſeſſion of parlia-

parliament. Theſe are great defects in our conſtitution, very great indeed! they have produced a train of the worſt conſequences; for to theſe perpetual grants of revenue and power, capable of being cured by a limited Mutiny Bill but aggravated by a perpetual one, to theſe grants do I attribute the frequent inſults, which with the interval of a few months in the beginning of the laſt Seſſion have been offered to the Iriſh parliament, and the ſottiſh compliance with which thoſe inſults have been borne; the frequent, ſtudious, and almoſt periodical breach of the privilege of the Iriſh Houſe of Commons in the alteration of her Money Bills; the ſolemn proteſt impoſed, and I might ſay branded on the Journals of the Lords againſt the inherent and excluſive right of the Commons, to originate bills of ſupply; the tedious, lawleſs, wanton and ſucceſſive embargoes frequently laid during the ſitting of parliament, and without its conſultation The continuing to pay by virtue of King's Letter the very penſions which the Houſe of

Commons had repeatedly diſſallowed, the refuſing to give any account of great ſums diſburſed by the Privy Council under the denomination of *Concordatum*, and ſcreened from enquiry under the impudent hypocriſy of an oath; from the grants I ſpeak of has proceeded the plunder of our people as well as the inſults on our parliament; the vaſt, indecent, and encreaſing number of places, penſions, ſalaries, additional ſalaries, &c. &c. and all that bold rapine, promoted by a deſperate ſeries of wretched Viceroys.—From theſe grants has proceeded another evil, the pregnant cauſe of many more, no man in Ireland is reſponſible for any thing, the Lord Lieutenant is not reſponſible, his ſecretary is not reſponſible, his dependents are not reſponſible, the inferior ſervants of the Crown glorying in a baſe impunity plead they are but inſtruments of power: the ſuperior criminal is ſhifted, the crime continued, the grievance accumulated, and the nation cheated both of redreſs and juſtice. From theſe grants has proceeded that argument or threat of inſolent

ſolent admonition and court common place which juſtifies prodigality as the only ſecurity and charter for the being of parliament. " *viz.* you have granted ſo much for ever, " that if government were as frugal as you " deſire, it could do without you," ſays the flippancy of the Caſtle to a committee of accounts. And certainly though theſe grants were not arguments for crimes, they were ſtrong reaſons againſt conceſſions,— they were ſtrong reaſons for a limited Mutiny Bill neceſſary to the general principles of the conſtitution and a ſpecific for the weakneſs of ours, better than an encreaſe of expence or an accumulation of debt, or any of thoſe bankrupt experiments which would cure the miſchief of giving for ever by waſting the grant, and ſeek in the beggary of the ſtate the powers of the conſtitution. But we have rejected the remedy and have nouriſhed and invigourated the diſeaſe: for to an ample revenue independent of parliament and a Revenue Bill in a great meaſure independent of parliament, we have added a Mutiny Bill independent of parliament likewiſe;

likewiſe; a miſchief greater than the others, added to the others, and bringing all the others to bear, forming in this kingdom into an operative ſyſtem, arbitrary power, a perpetual revenue, an eventual perpetual power of collection, and the perpetual dominion of the ſword.

I am the more anxious at enlarging the independency of the miniſter on the Iriſh parliament, becauſe I recollect how tenacious the former has been of that independency; for he has ſtrenuouſly endeavoured to ſave the hereditary revenue from diminution, and has felt the moſt lively jealouſy of public bounties payable out of that revenue as ſo much taken from the crown not paid by the ſubject, and has given that ſtyle in orders to thoſe who are under him, and in the laſt ſeſſion he exerted all his influence to diminiſh, and did diminiſh, the bounty on the carriage of corn, to eaſe the perpetual revenue and reſcue the crown from what he ſeemed to dread a *growing* dependency on his Iriſh parliament: alſo the

the miniſter in 1772, did inſert in the Revenue Bill the perpetuating clauſe though it was omitted here; from all which I conceive that the independence of the crown in Ireland is at leaſt in the contemplation of his Majeſty's miniſter, as ſomething which may be reſorted to hereafter, and which in the mean time fortifies the abuſe of power, and intimidates the aſſertion of privilege.

Nor have we only, the hereditary revenue of Ireland to fear but all the reſources of the Britiſh nation capable of being employed to feed an army to enforce the laws of the Britiſh parliament.—I hope the liberties of this country may laſt for ever againſt the ambition of kings, the uſurpation, or the compliance of parliaments againſt power, corruption or fear, againſt our enemies, againſt ourſelves. I have that confidence in the Britiſh nation, that I hope ſhe would not agree to enforce by arms in this country the authority of her own parliament; but this conſideration will never

juſtify

juſtify that unwarrantable law which enables his Majeſty to regulate and billet in Ireland whatever number of forces the hereditary revenue of Ireland and all the aids he can get from England and miſapply, will ſuſtain to execute the worſt purpoſes of a miniſter thus armed by the act of our parliament, provoked by the triumphs of our people and from the firſt an enemy to our pretenſions.

And while I ſpeak of the liberties of Ireland diminiſhed by this perpetual law, I cannot overlook thoſe of England conſiderably expoſed by it, expoſed by a law which in the neighbourhood of the Britiſh nation, forms a military government, eſtabliſhes an unconſtitutional prerogative, and erects a place of arms, ſo that hereafter if the Britiſh parliament ſhould attempt to controul a military prince by the power which ſhe conceives is reſerved by her annual Mutiny Bill, her intention may be fruſtrated by our law, the Britiſh troops illegal in England may be removed to Ireland

land and kept up here againſt her, the limitation of her law is repealed in the perpetual duration of ours, its purpoſe loſt, and this iſland formed into an immenſe barrack, to accommodate the military ambition of ſome king in his defiance of the Britiſh nation, in the unconſtitutional continuation and violent application of his army. The Britiſh nation has thought her liberty in danger, if the King by his own authority in peace could keep up an army on one ſide the channel: will ſhe think her liberty ſafe if he can do of his own authority the very ſame thing on the other? It was not the intention of the Iriſh nation to endanger the conſtitution of England, no, our object was to controul her uſurpation and ſecure her liberty.

Nor will the Britiſh miniſter be able to prove this bill innoxious to England, by ſtating the act of William, enlarged by the 9th of this reign, impoſing on Ireland an army not exceeding 15,000 men; for though in the Britiſh ſenate the miniſter may

may aſſert the validity of ſuch acts of power and maintain the ſupremacy of the Britiſh parliament to enſlave Ireland, yet if it were a meaſure to enſlave England, he would aſſert his Iriſh prerogatives, occaſionally applying the tyrannical claims of one country and the military reſources of the other, againſt the liberty of both.—That the Iriſh miniſter ſhall have made his peace with the Britiſh cabinet by ſuch a meaſure, I can well imagine; but will he ever be forgiven by England? Will England be reconciled to that miniſter who attoning for the ſervice which Ireland has done to herſelf ſhakes a central principle of common liberty, and compenſate for partial good by general evil.

I muſt alſo conſider this perpetual Mutiny Bill with reſpect to the army itſelf, as a great hardſhip; for it ſubjects to an abſolute, endleſs, and irreſponſible power, many thouſand brave men, taken totally and for ever out of the protection of the common law, and delivered up to the clemency

mency of the monarch like the ſoldiers not of England, but of military governments and abſolute kings. And as the army is thus taken out of the protection of the common law, ſo may it be weaned from all love and affection to it; and inſtead of conſtitutional principles, vain and empty notions inculcated, an extravagant ſpirit and zeal of obedience, a falſe veneration for power accompanied with a contempt for the law. And tho' no attempt ſhould be made on liberty, yet may this kingdom feel long and ſeverely this bad law, in frequent inſults on the civil power, in military tumults and armed outrage; events which are common in military provinces, and are the natural effect of a power of arms, independent of the legiſlature, reſident in the ſtate, and yet no part of the common law, inconſiſtent with the genius of the conſtitution, ſuſpicious and ſuſpected, endleſs and unconfined.—For whatever may be the proviſions of the Mutiny Bill, the military power is ſubordinate to the civil, becauſe dependent on the legiſlature. It is in vain

to expect the ſoldier made independent of parliament, will have any great reſpect for a juſtice of peace. The cautionary parts of the Bill which we have taken from England, prove how much ſhe feared that inſtrument which we have made perpetual. We did not want admonition on this ſubject; we had ſeen many military exceſſes exhibited in this country with ſlight obſervation indeed, but which in England could not have happened without exemplary puniſhment; the only ſhocking outrages of late have been committed by men bearing the King's commiſſion. Our country has been a theatre of ſuch ſcenes:—our government has been a ſupine ſpectator of ſuch practices, and has forwarded military diſorders by barbarous mercy or unwarrantable indolence, as if it was not diſpleaſed to ſee the army placed above the law by that very impunity which deſtroyed its diſcipline. The army of Ireland has not been regulated by the parliament of the country, and from thence is taught to conceive itſelf the army of another kingdom put upon a province,

vince, and not the forces of a nation under her law. This affectation like the tumults I ſpeak of has been encouraged by government and is now confirmed by the law.

I have ſtated ſome objections to this bill, but paſs over many; the creating crimes, courts, and puniſhments without any expreſs words, but by a clauſe of reference to illegal practices which obtained under the Britiſh Act of Mutiny and Deſertion, and which ſhould not have received even a remote countenance from the Iriſh parliament. I paſs over this and more, but muſt dwell on one grand objection, that parliament in paſſing a perpetual Mutiny Bill, has exceeded its powers.

I conceive that parliaments are neither eternal nor omnipotent, their powers are not original, but deligated, and their deligation is to act within the frame of the conſtitution, not to alter, ſtill leſs to deſtroy it. I therefore conceive, that a perpetual Mutiny Bill is beyond the power of parliament, inaſmuch

inaſmuch as it creates in the crown a perpetual legiſlative authority diſtinct from, and totally independent of the conſtitutional legiſlature of the realm: and I do imagine that parliament might with as much regard for the principles of the conſtitution and more regard for its ſafety, have moulded a committee of either houſe of parliament, for certain great purpoſes into a diſtinct ſovereign legiſlature, and have armed that committee with a perpetual power, as transfer the ſame power to one man. I alſo conceive, that parliament has exceeded its authority, not only in making one eſtate and that the chief magiſtrate, (who, by the genius of the conſtitution has but a negative in the formation of laws) with reſpect to the army in all caſes not affecting life or limb, a perpetual legiſlature; but in diveſting for ever, itſelf and the people, of a great portion of their legiſlative authority; the Houſe of Commons is but your truſtee; according to the nature of a truſt, it is to exerciſe, not alienate, your power. A perpetual Mutiny Bill is

not

not merely an act of pains and penalties; it is not merely a law of regulation, but a ſolid grant of vaſt and ſummary powers from the nation at large to the crown; and a perpetual Mutiny Bill is a perpetual alienation of the powers of the kingdom at large, by octennial truſtees incompetent to alien for ever, whether we conſider the nature of their truſt, or the limited period of their exiſtence. It is therefore, I ſay, that in ſtrict conſtitution the preſent Mutiny Bill expires with the preſent parliament; and the crown lawyers are called upon and defied to ſupport this meaſure on any ground, by any argument drawn from any legal ſource, from practice or principle, the power of parliament, the maxims of the conſtitution, or the example of former time; and I am the more alarmed at this meaſure, becauſe being a ſolemn ſurrender of a principal branch of the powers of parliament thus by its own act, diveſted of its inherent attributes, or rather being a partial extinction of the body itſelf; it is founded upon a principle and diſpoſition which if tolerated

at

at all, go too far, and threaten and authoriſe the ſurrender, not of a part only but of the whole, of what remains to the Iriſh parliament of legiſlative authority: it entitles parliament to repeal the octennial bill: it entitles parliament to give whatever the treaſury will buy or the adventurer part with: it entitles parliament to make the King abſolute.

And hereafter when the period of the preſent parliament ſhall arrive, the repreſentatives will not give back to the people the power with which for eight years only they were entruſted: they will not give you back your birthright, they will not give you back the Britiſh conſtitution; and tho' parliament did not exerciſe formerly its inherent right to regulate the army as well as every other branch of the ſtate; and tho' the weakneſs of the kingdom furniſhed an excuſe to her parliament for omitting to claim and put forth their privileges, yet until now for this laſt century we did not diveſt ourſelves of any part of them, nor did

did parliament diſmember itſelf of its eſſential attributes nor prevent the conſtitution from recovering itſelf by its own native vigour or recuperative principle. There is, I conceive a great difference between the dormant powers of parliament and a formal ſurrender of them; between a right in reſerve and a right which is no more: Neither do I think it juſt to draw parallels between what we are now, and what we were when afraid to aſſert conſtitution and trade; implicit under the approaches of impending ruin. I do not conceive that any man propoſed to himſelf that Ireland ſhould remain everlaſtingly a beggar and a ſlave. The nation ſeemed in humble expectation of ſome happy redemption; this was the time, your repreſentatives are reſponſible to you for a great opportunity; never was a parliament ſo favoured by the conjuncture or ſo backed by the people. As ſoon as trade was opened, the Iriſh nation conceiving that her aſſociations and charter would be a reproach, if notwithſtanding both, ſhe conſented to be governed by laws

which

which ſhe did not make; conceiving alſo that nothing in juſtice or policy, in the real or the apparent intereſt of Great Britain, ſtood in the way of liberty, denied in her different counties and cities the ſupremacy of the Britiſh parliament; and having herſelf aſſerted liberty, inſtructed her repreſentatives to give that aſſertion, the ſolemnity of a law, or the countenance of a reſolution. You ſaw the policy of declaring your ſentiments, that England might ſee the danger of invading, your own parliament the ſafety of aſſerting, and all the prudence of allowing rights of which an armed and chartered nation proclaimed herſelf tenacious. You proceeded in this great buſineſs like a ſerious animated nation, who entertained a deep ſenſe of her privileges, and a calm determination to maintain them. It was not the meaſure of a faction, it was not the act of a party; but a people, riſing up like one man to claim their freedom, a whole people long depreſſed, and cruelly derided, flocking together with the moſt perfect order, and each individual,

man

man by man, from his own lips preferring his right to be free. That people! the Iriſh nation, whoſe groſſneſs, tameneſs, and diſorder, had been a ſubject of ribaldry to themſelves, to thoſe very men of our own country, to whoſe inconſtant, mean, frivolous, and venal political habits, you now gave the ſoundeſt leſſons of conſtitution, and the brighteſt example of order: neither was this great act confined to one perſuaſion, but Proteſtant and Papiſt, their ancient animoſity in ſuch a cauſe ſubſiding, ſigned the ſame declaration of right; and thoſe whom neither time, nor ſeverity, nor lenity, nor the penal code, nor its relaxation, had been able to unite; in freedom found a rapid reconciliation; a certain flame rectified the humours of ſuperſtition. The time had arrived when the ſpirit of truth and liberty ſhould deſcend upon the man of the Romiſh perſuaſion and touch his Catholic lips with public fire. He was tried and was found faithful, he was weighed in the balance and proved ſufficient, we have learned at laſt a ſimple but

great truth, that one man is like another, and that all men wiſh to be free. I have been told the Roman Catholic had no right to ſign inſtructions. I do not enquire into the right, but into the fact, for the Catholic taking a conſtitutional teſt qualifies and is in conſcience and equity, conſtituted a brother and fellow-citizen. In ſhort ſuch were your meaſures and declarations, that I defy the moſt learned of your traducers, from all the ſtore of their reading, to produce any thing comparable to the conduct of the Iriſh nation, And I will further ſay, that if it had not been you who had ſpoken, but the laws you were employed to reſtore,—if the law had put forth a voice and promulgated herſelf, ſhe had not been revealed in accents of more truth, temper, and purity. You ſhook off the tyranny of the Engliſh, you deterred the invaſion of the French, you reſtored the liberties of the Iriſh, you gave operation to law, you gave civilization to manners, you raiſed a drooping province, you humbled a ſaucy miniſtry, you compaſſed a mighty revolution

volution, you became a theme of public worſhip, and the ſubject of juſt and neceſſary thankſgiving,---they who abhor revered you, nations you never heared of, ſpoke of you.---Nothing was wanting but the uniform concurrence of your parliament to have placed the Iriſh nation on the broad foundation of liberty and the ſummit of fame.

In your great effort you met however with difficulties, not from the Engliſh nation, but the Iriſh adminiſtration, who had engaged to the Britiſh Miniſter, that Ireland indulged in her requiſition for trade ſhould not bethink herſelf of conſtitutional reformation; and accordingly perſonal application was made to many, hoping that they would oppoſe the diſcuſſion of all political queſtions in parliament and alſo wherever they had property, credit, or character, would prevent the people from expreſſing their ſentiments. The repreſentations of our miniſter were to receive the colour of truth, by concealing the temper and ſtate of the nation.

nation. In this application the Iriſh miniſter found accomplices; by ſuch the bleſſings of the Britiſh conſtitution were repreſented as a ſpeculative good, and the loſs of theſe bleſſings as a ſpeculative evil: attempts were made to debaſe and poiſon the public mind, by detering it from queſtions which related to liberty as above comprehenſion and incompatible with induſtry, reſolutions expreſſive of our entire ſatisfaction in the recent extent of trade, were propoſed in the Commons with a dark deſign to diſſolve the nation's ſpirit, and prevent the recovery of her conſtitution; that ſo this country might ſit down a commercial province, and not ſeize the opportunity of becoming a free kingdom; nor did ſuch men endeavour to miſlead your underſtanding only, they defamed your character.

The great and glorious effort which I have juſt related, to ſhake off the yoke of the Britiſh parliament, was vilified as an attempt to ſever from the Britiſh nation; as if the connection was preſerved by the circum-

circumſtance which diſgraced it, or the two nations were linked together like lord and vaſſal, and not united by common privilege as fellow-ſubjects and fellow-freemen. Theywhoſe friends had been neglected, or whoſe written propoſals of a very corrupt nature had not been complied with, and who under that diſguſt, had oppoſed Lord Buckingham on the ſubject of commerce, now, having made up matters with the court, oppoſed the people on the ſubject of liberty. They who had been accuſtomed to make private advantage of public injuries, and who ſupported their retainers on their ſuffrages, bleſſed indeed with ample property, but by a ſervile following made dependent upon government, oppoſed the return of your liberty as they had until hurried away in the tide of 1779, oppoſed the extenſion of your trade. They charged your ſtruggle for liberty as a deſign againſt property, a conſpiracy to rob the great by a pillaging commonalty; they made this charge with the ſtyle and air of authority, as if property intitled the proprietor not only to ſell himſelf,

ſelf, but to ſell and load the public with his comrades and ſycophants, and added conſequence and conſecration to ſuch infamous traffic. They who hated the people from whom they had juſt proceeded, they who had little principle and no property, except your ſpoil; they who fear leſt this kingdom ſhould become too conſiderable to be bought and ſold; all thoſe who flouriſh in a province, and would ſink in a nation, that interior ſpecies of plauſible character actuated by little objects and a weak intellect, formed to ſhine in a court but ſhrivle in a free country, fell into the ſame idle, inſolent, conceited way of talking. On the other hand, they who wiſhed to reſtore the rights of this kingdom, were repreſented as ſeditious men, friends to anarchy, enemies to the Britiſh nation and their own, though they had no perſonal views, no friend no following, no mortification, no expectation, no object with reſpect to theſe nations, but to free one and endear both: in a word, the whole nation was traduced in a fooliſh, wanton, and wicked addreſs concerted to ſtop

her

her growth, and fix her political diſtempers, but attended with the immediate effect of rouſing her virtue. You perſiſted, and tho' theſe obſtructions held you out to England as a divided people, and loſt you the terror of your name,—loſt you the declaratory reſolution,—loſt you the repeal of the law of Poyning's,—entailed upon you the leſſer duty on Sugar, and the perpetual Mutiny Bill; yet, in a great degree, you prevailed. but if ſome men of property, I ſay, ſome (for the weight of property beyond compariſon, was on your ſide;) had acted as they ought,—if ſome of them had not gone the laſt length againſt their country upon every queſtion,—if ſome had been ſteady on any queſtion,---if ſome of them had taken as much pains to eſtabliſh the Britiſh conſtitution as they did take to promote or tranſlate their creatures; or if they had not taken pains to keep the nation down, the ſeſſion had been perfect, yet in a great degree you prevailed, and having univerſally denied the ſupremacy of the Britiſh parliament, and by your act and energy, ſupported by the

the individual declarations of your repreſentatives, put an end to the Britiſh law of Mutiny and Deſertion in Ireland, you made it neceſſary for the crown to apply to the Iriſh parliament for a law to regulate the army; you revived to your own parliament its inherent and dormant authority, its ſole and excluſive right to regulate his Majeſty's forces in Ireland; you gave the power into the hands of your repreſentatives, and they ſurrendered it for ever to the crown.---I lament this act, not only on account of the conſtitution which we have endangered, of the power and opportunity which we have loſt, but of the example which we have left; for the nobleſt ſtruggle ever made by a people to ſhake off tyranny, has been, in this inſtance, converted into a change of tyrants, and the Britiſh miniſter put in the place of the Britiſh parliament.—A government approaching to a military one has been impoſed upon us by our own law, our virtue turned againſt ourſelves, and puniſhed by our own parliament, a public and concluding diſ-

grace

grace thrown upon our paſt efforts, and a melancholy damp caſt on our future. I conceive there is a certain national character, there is a dignity without which no people can look for reſpect or privilege, a nation's character is her ſhield, the people's Majeſty a ſacred defence, public pride a mighty protection. 'Tis therefore I not only feel the conſtitution ſtabbed by this perpetual Mutiny Bill, but ſee with concern other great and ſolid ſecurities trampled upon, the maxims of public pride, of parliamentary conſiſtency and national dignity violated. A parliament the moſt reſpectable that ever ſat in this country, made to adopt the dictates of the Britiſh council and forego its own recorded opinions, ſuffering the Britiſh miniſter to mould our conſtitution as the Britiſh manufacturers have been ſuffered to regulate our commerce. The nation itſelf involved and ſcandalized in the compliance of her legiſlature and exhibited to Great Britain as a vain boaſter; a certain ridicule caſt upon her declarations, exertions and arms, and the Britiſh miniſ-

ter taught by ourſelves to repent of paſt conceſſions, and encouraged for the future to make a bold and unconſtitutional ſtand againſt the juſt deſires and obvious rights of the Iriſh nation.

I have heard it urged as an excuſe for this pernicious and diſgraceful meaſure, that it was a matter of neceſſity. A Mutiny Bill was neceſſary, you made it neceſſary, but the neceſſity lay on the king, not on his people, you did not want an army to defend your lives and properties, you did not want an army to ſupport your claims, you did not want an army to give protection and confidence to your ſervants, you were yourſelves an army adequate to all your own purpoſes, your ſafety repoſed with your liberty, where both ought ever to reſide in the nation's right hand.—It was his Majeſty, whoſe power influence ſervants, pride and attachment were all in that great queſtion involved.—You had the key to the royal heart,—the inſtrument of power was in your hand, the crown was a ſuppliant

to

to the Iriſh nation, not for revenue, but for what princes value more, the army; and muſt have taken it, as the king takes his revenue, and took his crown, upon the terms which his ſubjects, in their wiſdom, are pleaſed to ordain; and had your parliament choſen to have annexed the great charter which they who formed the bill, knowing the Houſe prudently declined; but had your parliament choſen to have annexed the great charter to the Mutiny Bill, the Britiſh miniſter muſt have finally complied, his own bayonet would have forced Magna Charta upon him, and ſtanding armies in general hoſtile to liberty, might have been rendered the involuntary and miraculous inſtrument of its eſtabliſhment. Never did a nation ſtand ſo entrenched; never was a poſt of ſtrength ſo loſt. Don't believe that vulgar threat that the king would have diſbanded his army; arguments of this kind are not to be liſtened to, nor are thoſe in earneſt who reſort to them, nor ſhould the miniſters of kings be ſuf-

ſuffered to tell the ſubjects of this country that his Majeſty *won't* permit his Iriſh parliament, like that of Great Britain, from time to time, to regulate its own military eſtabliſhment, or that his Majeſty *won't* receive great and unconſtitutional powers, ſuch as a limited Mutiny Bill communicates, except upon terms more extraordinary and more unconſtitutional, as well might the miniſter aſk for abſolute power and denounce, on the heſitation of parliament, an abdication of the crown: but this argument was not founded on the firmneſs of the miniſter by whom it was invented, but in the folly or the corruption of thoſe to whom it was applied. The Mutiny Bill was not made perpetual becauſe the Britiſh miniſter would not take a limited, but becauſe the Iriſh parliament was known to be ready to give him a perpetual dominion over the army, the miniſter would have been ſatisfied with a good bill, but prefered a bad one. The attack on your liberty had never been made if the ſurrender had not been previouſly and clandeſtinely covenanted

nanted; it was not a determined miniſter, but a willing parliament.

I have heard that the Bill, though perpetual, is a benefit, becauſe it carries the principle, *viz.* that the King, Lords, and Commons are the only body competent to make law for Ireland.—Parliament might have declared that principle; but this bill does not declare it by expreſs words or neceſſary conſtruction, or concomitant circumſtances. The principle to the extent of this kingdom was carried before, and being once eſtabliſhed here, carried itſelf in Great Britain. Unleſs we gave the crown a power of ſhaking this principle by arms; the Bill coming back under the ſeal of Great Britain had the aſſent of the crown to whatever propoſition it contained; if the Houſe of Commons had ſought an argument in ſupport of liberty, they ſhould have paſſed the expreſs declaration of rights; if they looked to ſolid ſtrength, they ſhould have kept the army dependent upon themſelves, they ſhould have acted upon a principle

ciple that could be reconciled to theory or practice; they ſhould not upon any ground either of argumentative or actual ſecurity have declined a declaration of right, and ſurrender the dominion of the ſword, adopting a line of conduct far below firmneſs, and above caution; arming without fear by a perpetual Mutiny Bill that power which they trembled to provoke by an aſſertion of their liberty.

The objection prefered againſt a declaration of right, was, that a nation's liberty could not be determined by the words of the Houſe of Commons but the powers of the country; had the declaration weakened her power, though it aſſerted her liberty, the paſſing it had been inexpedient, and therefore a perpetual Mutiny Bill, not aſſerting in any terms, the right, and in the moſt full and effectual terms, diminiſhing the power of the country, was upon no principle to be juſtified neither by the arguments of thoſe who ſupported a declaration of right, nor of the men who

op-

oppoſed it. That we have gotten free from all the laws of the Britiſh parliament by the Mutiny Bill, I deny; for the Poſt-office remains.—That we have gotten free from the inſult, I deny; for Ireland is named in the new Britiſh act.—That we have gotten free from the exerciſe of the Britiſh Mutiny Bill by our own, I deny; for the Britiſh act had expired in our determination to diſobey it.—Our ſituation, vigour and ſpirit was ſuch, at that particular time that nothing could have injured us but our own laws, nor have diſgraced us but our own parliament: nor let the nation deceive itſelf ſo much as to think that the Britiſh miniſter, who has ſent us a perpetual Bill, admits the liberty of Ireland. No! he is an enemy to your liberty, he thinks that the Britiſh parliament, by its laws, the king by his prerogative, that each and both, can make articles of war for this country, and therefore he has made the Bill perpetual, that the Iriſh parliament may never again attempt to exerciſe, what in his opinion, better belongs to others, the power of regulating

gulating his Majeſty's forces.—It was impoſſible to prevent the juſt claims of the Iriſh nation: the miniſter who denied, could do no more than get rid of them for ever; and accordingly has annexed a clauſe of ſurrender to the very law in which thoſe claims were advanced; ſaving his own pretenſions and rebuking yours: he has ſtriken the nation in the height of her glory.

I have heard it urged in mitigation of the miſchief of this law, that notwithſtanding this law, his Majeſty cannot keep up his army without the expreſs conſent of parliament given from ſeſſion to ſeſſion. I have ſaid ſo; I think alſo that his Majeſty cannot charge his hereditary revenue with penſions; but I ſee though theſe are points of law, they are not poſts of ſtrength, the perpetual nature of the laws of which we ſpeak and complain, thoſe dangerous laws which give the king the purſe, and that diſgraceful law which gives him the ſword, enables him to miſapply both, to waſte your treaſure, and keep up your army without the con-

troul

troul of parliament. The latter law, the Mutiny Bill, I conceive, by this argument, not proved to be ſafe, but rendered cruel and abſurd; for it is a ſtatute at variance with the common law, a ſtatute making it capital at all times to deſert the army which is at no time legal without the conſent of parliament; and which may thus be kept together by force to be fed by rapine: and I cannot here but obſerve that this argument did not occur before, but was invented for the occaſion, and is a deſpicable apology and poor point of law to the obſervance of which we have annexed the penalty of death, giving up ſolid ſtrength, and hanging on ſuch perilous, ſpeculative and fantaſtic ſecurity, the vaſt and weighty charge of public liberty. France, Spain, kingdoms that have no liberty, I dare ſay, have ſimilar points of law; but the ear of a military government will not liſten to ſuch things, they are the ſad devices of an infamous cauſe, and the laſt gaſpings of exhauſted argument: they are only of weight when the people have reſerved a ſolid ſtrength which

makes ſuch arguments unneceſſary; they are fortreſſes to which no man would retire, but he who was determined to capitulate.

I have heared it ſaid that the army is imperial in its nature, and therefore that no part of it ſhould be left to the Iriſh parliament for its regulation, but this propoſition wants truth in its premiſe, and is falſe and abſurd in its conſequence.—The army is not imperial, the conſtitution don't conceive an empire, neither is it founded upon maxims imperial or military.—The law of England which eſtabliſhes the army makes it parliamentary not imperial, the law of Ireland which provides for the army, makes it an Iriſh, not an Imperial army.---The premiſe therefore is falſe, the concluſion is falſe and abſurd; for if the premiſe were true, it would conclude, not for a perpetual but againſt any Iriſh Mutiny Bill.---For the Engliſh Mutiny Bill; for the ſupremacy of the Britiſh parliament.

This

This argument thus founded on an ignorance of the conſtitution in general, and of the eſtabliſhment of the army in particular, and leading to the entire deſtruction of our liberty, has ſought for ſtrength in another argument equally feeble: *viz.* "that unity of diſcipline is neceſſary, and that therefore the army in every part of the dominions ſhould be ſubject to one power." But this obſervation proceeds from an ignorance of the ſervice, as the other was derived from an ignorance of the conſtitution.---Unity of diſcipline is not neceſſary, it is not the caſe of armies in actual ſervice; it is not the caſe of the army now in America; it was not the caſe of the allied army in the laſt war in Germany; neither is unity of command neceſſary to eſtabliſh unity of diſcipline, neither does the perpetual Mutiny Bill eſtabliſh unity of command. Moreover, if unity of diſcipline is neceſſary, we are not to ſuppoſe that the Iriſh parliament will not ſecure it, by adopting the Engliſh military code; we are not to ſuppoſe our parliament inadequate to the wholeſome exerciſe

exerciſe of its authority over every branch of the eſtabliſhment, military as well as civil; neither are we to conceive the crown incapable of abuſing, and the parliament incapable of uſing an important article of legiſlative power, neither having treſpaſſed upon the common law to admit an army, are we to commit further and indefinite depredations to eſtabliſh unity of command, under the quaint pretence of ſecuring unity of diſcipline.---But the perpetual Mutiny Bill does neither. It does not eſtabliſh unity of command, and it endangers unity and equality of diſcipline, by making the principal articles of war perpetual in Ireland, which are annual in Great Britain, by eſtabliſhing an army here of a diſtinct nature, and military powers in the crown of a different extent and duration from what was ever attempted or would be endured in Great Britain. Imperial armies, imperial legiſlatures, imperial unities are terms, in my mind, of very little meaning; they are the vanities of the Britiſh court, harraſſing the connections of the Britiſh nation; unconſcious

conſcious of limit, ſubverſive of liberty, and a ſtranger to the law; in their theory, they are inſult, and in their application,—war.—

I have heard it ſuggeſted that the miſchief of a perpetual Mutiny Bill exiſts in ſpeculation only, but I cannot think ſo, no more than I could think that any political queſtion, any conſtitutional injury, a total inſtead of a partial loſs of liberty, was an evil in ſpeculation only: a meaſure which changes the balance of the conſtitution to the ſide of power, and thows into the ſcale of the monarch the perpetual dead weight of the ſword is not a ſpeculative evil, to any mind except of thoſe to whom the bleſſing of a free conſtitution is a viſionary good. But in political as in moral depravity, the ſlave like the ſinner, will not ſee his crime untill he feels his puniſhment, and ſmarts under the laſh either of the tyrant or the law.---In this conſtitution every diminution of the power of the people is an actual evil, every encreaſe of the power of the crown is an actual evil.---An injury in ſpeculation is a meaſure

meaſure neutral in itſelf, but dangerous in its tendency.---The perpetual and unbounded grant of the power of the ſword is not the evil tendency, but the actual evil,---that from this evil more will enſue, and that a military government will be uſed to eſtabliſh an abſolute one, is, I do acknowledge, a ſpeculation, but by no means abſurd, becauſe the thing did happen. James II. in the laſt century did endeavour to make himſelf abſolute, by aſſuming of his own authority that very power which we have now given the Sovereign a perpetual law to exerciſe: he kept together by martial law an army of 30000, paid by his civil liſt; an Engliſh army however ready they may be found to enforce the ſupremacy, were at that time reluctant to deſtroy the liberty of the Britiſh nation.---To guard againſt a ſimilar attempt the declaration of right ſets forth, that ſtanding armies and martial law, in peace without the conſent of parliament, are illegal; meaning the conſent of parliament from time to time,

of

of the then exiſting parliament who ſeeing the uſe which his Majeſty makes of his army, may give their conſent or withold it. We are bleſſed if not benefited by experience.

I know very well, that in political queſtions, arguments unanſwerable, founded in the obvious nature of the queſtion, when by a certain ſet of politicians, they are not treated as factious, will be derided as viſionary; for men long loſt in the ſervice of a court, do not chooſe to conſider the conſequence or the ſpring of their own action, their conſcience informs their capacity that ſufficient for the day is the crime and corruption thereof. Such men, for a very vicious conduct have an apparent retreat in a very bad underſtanding. but it has been by a different way of thinking, that liberty ſtill exiſts in England, when in almoſt every other quarter of the globe ſhe has periſhed, and that the Britiſh conſtitution ſurvives in a world of ſlavery, owing I ſuppoſe to a perpetual vigilance, an Engliſh

liſh inſtinct, an unremitting jealouſy, an apprehenſive people, wherever a ſtab was given certain to gather about the wound, active on the frontier of privilege, and banking out oppreſſion as the Hollander banks out the ſea.—Such formerly was the conduct of England, ſuch ought to be now the conduct of Ireland; for of all nations ſhe has moſt reaſon to be apprehenſive about her liberty, becauſe it is but this moment reſcued; it is but juſt recovered from the ſupremacy of the Britiſh parliament, and it was within a caſt of being ſurrendered by the compliance of our own; a propoſal was made not many years ago, to grant a Money Bill for an immenſe period, and rejected by the accident of one majority: The danger to Iriſh liberty therefore is not viſionary: no, her eſcape is miraculous!

I have heard it ſaid that the Mutiny Bill is ſafe, becauſe the king will not make a direct attack upon the rights of his people, but there are other ways of invading liberty beſides

beſides open and direct hoſtility; great powers given to the crown, ſuch as we have given; a perpetual and encreaſing revenue, with a law to collect it of eventual perpetuity, accompanied with the perpetual and unbounded power of the ſword, may in a courſe of time make the chief magiſtrate ſo very ſtrong, that the ſubject will be afraid to oppoſe him: in ſuch a poſture of ſtrength and weakneſs a nation capitulates without a blow, all her ſtrong poſts are taken, revenue, army, purſe, and ſword.——The queſtion don't come to a trial; they who would not make a conſtitutional reſiſtance to the firſt encroachment, will not be called upon to make a treacherous ſtand againſt the laſt act of power their country will never know how little ſuch men are to be depended upon: The king in ſuch a caſe need not reſort to arms; his ſolid ſtrength operates without being put forth, and is an occult cauſe influencing and depreſſing the motions and ſpirit of parliament and people: The ſubject feels at a diſtance an accumulated weight of

power coming againſt him, and by inſtinct retires.

What elſe was it which until 1779 made the people of Ireland, with all the privileges of the Britiſh Nation afraid to reſort to the benefit of their own laws? What but an evident ſuperior ſtrength arrayed againſt them? What elſe was it which in 1779 made the parliament and people ſtruggle for their birthright? What, but that occult cauſe, a conſcious ſtrength, an inward ſecurity, an armed people; this ſurpriſing change never came to a conteſt, the nation recovered her liberty with as much tranquillity as ſhe had loſt it: The volunteers never attempted force: no, but they ſtood by, giving a ſilent confidence to liberty; as an independent army; if theſe volunteers diſperſe, will give a ſilent confidence to power.

Nor is liberty only endangered by the ſudden irruption and ſilent growth of power, but by the fears and reſentment of corruption.

when

when the venal man trembles for his ſafety and is inflamed at his own infamy, and hating and hateful to his country, diſables her reſentment by deſtroying her liberty; for ſlavery like death approaches in many ſhapes and ſhould be guarded againſt in all.

A meaſure unconſtitutional and corrupt may be adopted by parliament, at a time when the expectation, pulſe, and ſpirit of the nation are high. Inflamed at ſuch a conduct the people may fall into a violent method of expreſſing a juſt indignation, and may diſclaim that majority which aſſented to a meaſure conceived to be deſtructive. This majority, or many of them, loſt in public eſtimation, conſcious of public deteſtation, ſupported by public money, afraid of reſponſibility, careleſs of liberty, ſhocked at popular enormities, and full of an ariſtocratic impatience of the growth and conſequence of the people, may apply to the crown for protection and revenge. And thus a venal ſet of men, proſtituted for hire and furious for puniſhment, who at firſt

only

only meant a corrupt vote, having once kindled the people, fortify themſelves by an accumulation of crimes, and having given the king an unconſtitutional power for money, give him abſolute power for protection; the political degrees are natural and rapid; from periſhed principle to execrated character, and ſo on to the laſt act of deſpotiſm and deſpair, the headlong tribe precipitate; and avenge the reputation they have loſt, upon the liberties they have left.

This may be the caſe, for ſomething like the ſeeds of this has been the caſe.---The Sugar and Mutiny Bills had received the fulleſt conſideration ever given to any public queſtion; and after the nation had obtained in each, a victory over her adminiſtration, they were tranſmitted to England with a zeal approaching to tranſport. They were returned, both altered, one alteration made a dangerous change in the conſtitution, the other was an indirect detraction from the free trade and direct infraction of

the

the privilege of the Commons: both were attended with a public affront, and both were adopted by parliament; that very parliament whoſe privileges theſe alterations invaded, whoſe powers they diminiſhed, whoſe ſenſe they ſuperſeded, and whoſe pretenſions they inſulted. The nation had been tempered too high to bear this with ſilent ſubmiſſion; that parliament which now ſunk itſelf, had before raiſed the ſpirit of the people. There is in this country an intelligent public, men who don't underſtand conſtitution like a Crown lawyer, nor equalization duties like a cuſtom-houſe clerk, ſee the honeſt ſenſe of every great queſtion, and have a lively and uncorrupted feeling of a national inſult. The truth was that every man in this kingdom underſtood the motives and felt the final conduct of parliament, the whole nation felt it, ſhe felt it as a mortification to her pride, a blaſt to her expectations, a blow affecting her from the metropolis to the laſt and remoteſt of her aſſociations, electrifying her radically and univerſally from center to circumference.

Some

Some of the volunteer corps expreſs this general diſguſt by the warmeſt reſolutions, they diſcover the generous indignation of independent citizens, and expreſs that indignation in the unguarded language of ſoldiers. They who never deſerted parliament until ſhe deſerted herſelf, charge the majority with having upon theſe queſtions betrayed their country. It was a great charge; let me add, it was a great crime.—Alarmed at theſe proceedings, the adminiſtration, who by influencing had ſeparated and detached parliament from the Volunteers, ſummon their friends to a private meeting, aſſembled to maintain the dignity of the legiſlature by the dependents of the Caſtle. At this contemptible gathering it was agreed to take notice of the above reſolutions in both Houſes. That parliament who had been corrupted to perpetuate the army of the king, are now inſtigated to puniſh the army of the people *. A motion is made to addreſs

* Probably this motion was not then ſeen in all its conſequences, certainly not by the perſon who ſeconded it; a young nobleman of great ſpirit, integrity and ſenſe.

dreſs his Excellency to order a proſecution. That Houſe of Commons whoſe dignity was never entirely loſt until the adminiſtration were petitioned to defend it, who had been until the court caſhiered it, the head of the nation's army; that Houſe of Commons who had brought to the reſidence of the Lord Lieutenant, the Volunteers as their guard, and aſtoniſhed him in his own Caſtle, now becomes an humble petitioner to that very Viceroy, to puniſh thoſe very volunteer corps; who were by the inconſiſtency of parliament, in the courſe of one ſeſſion, the ſubject of its thanks, the partners of its triumph, and the object of its proſecution.

Fortunately for the kingdom, but moſt ignominiouſly for parliament, the miniſtry who prompted their addreſs did not pay it the ſmalleſt attention. This unnatural conteſt has ceaſed; privilege is authority, and authority is character. The privilege of the Commons is the privilege of the people in the perſons of their repreſentatives and

ſer-

ſervants; not a ſhield againſt the nation's ſentiments, nor a ſcourge to puniſh her diſcuſſion. The Commons therefore did not rely on the breach of privilege, but addreſſed his Excellency to proſecute; and his Excellency ſtopped becauſe he could not proceed. An army is too numerous for a proſecution, and the country too free for a preſcription. Moreover, it muſt be a great object to the miniſter who carried ſuch a meaſure as the Mutiny Bill, to eſtabliſh a mutual amneſty,—information forgotten on the part of the court, conſtitution on the part of the people: But tho' the Volunteers cannot be proſecuted, yet if they were not more numerous and more united than Court agitators could wiſh, I do believe they would be diſperſed, and that the Merchants and the other high ſpirited obnoxious corps would never have been ſuffered to aſſociate again at a review; by a government, armed as ours now is with a perpetual power of the ſword, and prompted by the addreſs of both Houſes of parliament: ſo little do men who make an encroachment on pub-

lic

lic liberty, know to what length they will proceed when hurried on in a conteſt and obliged to defend the dignity of doing wrong by the guilt of doing worſe.

I have ſtated the principal arguments in palliation of the Mutiny Bill, and their anſwers.

If any thing could aggravate ſuch a meaſure, it is the conſideration that the motive was as profligate as the law was miſchievous; and that this bill has been accompanied as it was produced by a moſt profuſe application of honours and a faithleſs application of money. We have ſeen its conſcientious ſupporters paid for their vote, either in their own perſon or in that of their friends; or publicly balked when they expected to be bribed. The Houſe of Commons was actually canvaſſed, and men deſperate of corruption were ſolicited once more into their original ſtate of mendicant importunity. Places, penſions, promiſes, ready money, the whole myſtery of

eccleſiaſtical patronage, all like the foith of the Lord Lieutenant, were proſtituted on this occaſion. That this trade ſhould have taken place under Lord Buckingham's adminiſtration, I did not expect: for I remember when his Secretary made the following engagement, after Chriſtmas in 1778, when a motion was made to reſolve to addreſs his Excellency, to know whether he had any powers, and how far they extended, to diminiſh the Penſion Liſt; the Secretary roſe and made the following ſpecific declaration, "that no "new place nor additional ſalary was to be "created, and that no new penſion was "to be added, except in the inſtance of "one of the royal family or a judge deſirous "to retire; and further, that the liſt as "penſions dropt was not to be ſupplied."

In conſequence of this ſolemn official engagement the motion was withdrawn. The departure from this engagement, the creation of additional ſalaries and penſions muſt embarraſs the advocate for the inviolable

violable purity of lord Buckingham's adminiſtration; and I do believe nothing could have induced his lordſhip to forget his word, if orders had not come from the Britiſh cabinet at any expence to carry the perpetual Mutiny Bill, and to break and corrupt the ſpirit of Ireland as the beſt means whereby his Excellency could obtain forgiveneſs for the benefits which the Iriſh nation had obtained for herſelf. But tho' theſe orders were poſitive, I cannot ſee any excuſe for obeying them. We live in a land of liberty. His Majeſty cannot in this kingdom order a ſubject to violate a public promiſe: the meaneſt peaſant can defend his faith againſt the commands of his ſovereign. The King could not diſgrace Lord Buckingham, if previouſly he had not diſgraced himſelf.

As lord Buckingham ſtood bound to Ireland, an order to increaſe a ſalary or add a penſion was an attack upon his perſonal integrity, amounting to an inſolent revocation of his commiſſion. Had his Excellency,

lency, inſtead of preſſing by all the power of faithleſs engagement the perpetual Mutiny Bill, pleaded his honour, he would have made a reſpectable retreat, and would have ſtood on the ground of our character and his own; but unfortunately for both, for his credit and our conſtitution, he carried the perpetual Mutiny Bill, and taught the Britiſh miniſter to deſpiſe the Iriſh parliament, and to reprobate that chief governor, who had ſo long and ineffectually dallied with its virtue: Inſtead of being thanked for the victory obtained, he became reſponſible for the miſchief he had omitted. All our virtues were ſtated againſt him; and at the ſame time that he expoſed himſelf to the charge of paſt imbecillity, he has expoſed us and our ſocieties to a future plan of vigorous operation.—But though the concluding part of his adminiſtration is exceptionable, the period for which he ſuffers in the cabinet is to be admired, not cenſured. He ſaw this kingdom threatned by a foreign enemy, and felt

felt the incapacity of the ſtate to defend her—he therefore diſtributed arms among the people to ſecure the Iriſh nation to the Britiſh crown. —He found the treaſury empty, and the people begging; he did not inflame hunger to frenzy, by attempting to apply an exhauſted exchequer to prevent the trade of a famiſhed people;—he did not conceive the loyal armaments of the Iriſh nation rebellious aſſociations,—he was not a ſpy on our armed ſocieties,—he did not deſpiſe moderation,—he was carried away in the tide of the times along the ſtream of your proſperity,—his government ſeemed to partake of the triumphs of the people, and the non-reſiſtance of the ſtate ſecured its tranquillity,—his virtue ceaſed where his action began. His character was formed upon his defeats, and undone by his victories.—Pure in his own perſon,—with reſpect to his connections, pure and inexorable,—with reſpect to Ireland in the earlier part of his adminiſtration innoxious, and to the Britiſh cabinet odious,—he ſought by a corrupt concluſion a return to

the

the boſom of court-favour, and found the viceroy was unpardonable in the acquiſitions of the people.

I lament his ill-treatment, becauſe it proceeds from an alienation to the country that flouriſhed under him; he has loſt the countenance of the Britiſh court on account of your Addreſs for Trade, your Short Money Bill, and above all, the growth of the armed ſocieties, and the thanks of both houſes of parliament.

His departure accordingly is marked with circumſtances of public tenderneſs: the nation ſoftens; there is a generoſity in a free people which far exceeds the meaſure of ſcruplous juſtice: to be injured under the ſuppoſition of being a public benefactor, is a claim to their protection; diſtinct from any poſitive merit, Lord Buckingham excites a paſſion in his favour approaching to love; we feel our cauſe combined with his fortunes,—the ſhield of the nation riſes up to encompaſs and protect

tect him, and we follow him with ſympathy to the verge of the iſland.

A new adminiſtration ſucceeds, which the expence of government and the growth of debt have put for the preſent in the power of parliament: Hereafter, it may be otherwiſe, when from commerce and peace the revenues ſhall encreaſe: and as a profuſe eſtabliſhment puts an adminiſtration in the power of parliament, ſo an approaching election puts parliament in the power of the people. The reſources of the conſtitution, even as we have mangled it, are many,—adequate to the redreſs of all grievances by meaſures lenient and legal: You are the great creative radical part of the conſtitution; the ſource of the nation's vigour, and the ſeat of her ſoul: King, Lords and Commons ſtand upon your baſe: you form and may reform parliament. A liſt of meaſures, a general qualification, an elective creed to be tendered to every candidate, would extort national conditions from corruption itſelf: but

but unleſs the nation ſhall be previouſly concerted and covenanted, ſhe will be ſurprized by a diſſolution, and a general election will be a radical defeat.

Let the power of binding Ireland by the Britiſh parliament be utterly and for ever aboliſhed and abjured, that there may be no ſeed of jealouſy between the two nations, on whoſe heart-felt coalition their mutual happineſs depends, that officious men may not traduce one country to the other, and that a future miniſter may not proceed, as in the inſtance of America, on the reſerved principles of ſupremacy, and unable to govern either country, embroil both. Let the power of the crown to alter, and of the Iriſh council to alter and ſuppreſs our bills, a power uſeleſs to his Majeſty, opprobrious to his ſubjects, and founded on miſconſtruction of law, be relinquiſhed; let the Mutiny Bill be here as in England, dependent on parliament; let the Judges be here as in England, independent of the crown; that the mouth

of

of the law may not be the will of power, nor the ſword her inſtrument.

Theſe are the principal conſtitutional amendments. But ſhould the Britiſh miniſter trample down America, and become haughty to Ireland, if inſtead of new, neceſſary and humble acquiſition, a blow is meditated, let me conjure you, in order to keep what you have gotten already, to preſerve your armed aſſociations. I will conclude by appealing to them.

The Iriſh conſtitution, commerce and pride with you began, and with you they would vaniſh. Until Britain is reconciled to our participation of trade,—while the Britiſh parliament claims a right to take that trade away and make law for Ireland,—you are the great charter of the Iriſh nation, our efficient cauſe and final hope. Prompted by you we have conceived a vaſt image of our own greatneſs—prompted by you we have ſpoken definitively to Great Britain, and aſtoniſhing her pride and awakening her juſtice, have ſtated in one ſen-

tence the provocation of a century.—Obnoxious for that virtue, you are to confirm your advocates, the objects of hatred and eſtimation, and to preſerve your aſſociations, the dreaded inſtrument of national deliverance. Believe me, you have many enemies, you are to guard againſt falſe friends and natural foes, againſt the weakneſs of human nature and the depravity of man, againſt ſloth, againſt ſecurity, againſt adminiſtration, againſt a militia. What! are we to go back to the days of confuſion and power,—when the kingdom was lawleſs, and the trooper was the magiſtrate, and no act was executed but acts of the Britiſh parliament! I have heard your legality diſputed. — Conſcious as I am that no law prohibits the ſubject to arm, convinced as I am of your legality, I conceive that queſtion to be loſt in the immenſity of your numbers. And with the pomp, and power, and trade, and all that train which await your progreſs, I ſhall not ſtop your army to aſk, What law has made you? Sufficient that there is

no

no law againſt you, ſufficient that without you there would be neither law nor liberty. Go on and proſper, thou ſword of juſtice and ſhield of freedom: the living ſource of an antient flame, the foundation of our pride; a providential interpoſition, an army enriching the land with induſtry, coſting the ſtate nothing, adequate to all her enemies, and greater than all her revenues could pay! awful indeed to the tyrant, but to a juſt prince unconquerable ſtrength. The cuſtody of the nation's character is in your hands. Go on, and multiply, and add immortal ſecurity to the Cauſe of your Country!

FINIS.

ERRATA.

Page 8. *Part of the declaration*, inſtead of *that part*.

13. Line 4. For *corrupt*, read *a corrupt*.

ib. Line 22. For *require the collected*, read *and the collected*.

18. Line 13. For *miniſter*, read *miniſters*.

26. Line 16. For *compenſate*, read *compenſates*.

29. *Delegates* and *delegation*, inſtead of *diligated* and *deligation*.

40. *Inferior*, inſtead of *interior*.

50. *Flight*, inſtead of *height*.

66. Line 8. For *preſcription*, read *proſcription*.

72. Line 16. For *ſcruplous*, read *ſcrupulous*.

BRITISH MUSEUM 30 62 APR